

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 JOHN BAUER,

No. C-04-2259 MMC

12 Plaintiff,

**ORDER DENYING JOINT
ADMINISTRATIVE MOTION TO FILE
DOCUMENTS UNDER SEAL**

13 v.

14 AMPHENOL CORPORATION,

(Docket No. 39)

15 Defendant.

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18 Before the Court is the parties' joint administrative motion to file under seal a
19 "Confidential Stipulation for Approval of Settlement of Commission Claim and Dismissal of
20 Action Pursuant to Settlement" ("stipulation") and the declaration of John Bauer in support
21 thereof ("Bauer Declaration"). The parties have failed to show good cause for a sealing
22 order.¹ Pursuant to Civil Local Rule 79-5, "[a] sealing order may issue only upon a request
23 that establishes that the document, or portions thereof, is privileged or protectable as a
24 trade secret or otherwise entitled to protection under the law[.]" See Civil L.R. 79-5(a). As
25 the parties have failed to establish such good cause, their joint administrative motion to file

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27 ¹ Additionally, the parties fail to submit any legal authority for the requested approval
28 of their settlement. On a motion for approval of a good faith settlement, the Court does not
determine whether the settlement is reasonable "between the settling parties," but rather
"vis-a-vis the non-settling defendants." See *Horton v. Superior Court*, 194 Cal. App. 3d
727, 733 (1987) (discussing Cal. Code Civ. Proc. § 877.6). Here, there are no non-settling
defendants.

1 the above-referenced documents under seal is hereby DENIED.

2 Pursuant to Civil L.R. 79-5(e), the above-referenced documents will not be filed.

3 Rather, the Clerk will hold the lodged documents for three days to afford the submitting
4 party the opportunity to retrieve them; if the submitting party fails to do so, the Clerk shall
5 dispose of said documents. See Civil L.R. 79-5(e).

6 This order terminates Docket No. 39.

7 **IT IS SO ORDERED.**

8 Dated: March 14, 2006

Maxine M. Chesney
MAXINE M. CHESNEY
United States District Judge

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